

San Mateo County Harbor District
Board of Harbor Commissioners
Special Meeting Agenda

June 8, 2015
6:30 p.m.

Sea Crest School, Think Tank, Room #19
901 Arnold Way
Half Moon Bay, Ca. 94019

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A.) Roll Call

Commissioners

Tom Mattusch, President
Nicole David, Vice President
Robert Bernardo, Secretary
Pietro Parravano, Treasurer
Sabrina Brennan, Commissioner

Staff

Glenn Lazof, Interim General Manager
Debbie Nixon, Deputy Secretary
Steven Miller, District Counsel

B.) New Business

- 1 TITLE: **Consideration of Entering into Contract for Legal Services with Wittwer-Parkin LLC to Assist with Comment Letter Responding to Circulation Draft Municipal Service Review**
- REPORT: Lazof, Memo
- PROPOSED ACTION: Consider direction to staff to hire Wittwer-Parkin LLC to provide legal counsel on response to LAFCo Circulation Draft Municipal Service Review

Staff Report

CONSIDERATION OF ENTERING INTO CONTRACT FOR LEGAL SERVICES WITH WITTWER-PARKIN LLC TO ASSIST WITH COMMENT LETTER RESPONDING TO DRAFT MUNICIPAL SERVICE REVIEW

Glenn Lazof: Interim General Manager (IGM)

Background: LAFCo has submitted a Circulation Draft of the Municipal Services Review (MSR) of the District, on Friday May 26. The comment period ends June 26, 2014. President Mattusch, in consultation with the IGM and District General Counsel submitted memoranda to Commissioners regarding the process to be used to prepare the District's official comments.

Analysis: My understanding is that members of the community have requested that Wittwer-Parkin LLC, be hired to provide legal services pertaining to the official response to the MSR. The IGM has confidence in the current plan, as described above, has no objection to adding another set of legal eyes to our response, if the commission so desires.

A competitive procurement has not taken place, therefore should the Commission elect to make this assignment, staff has submitted proposed finding to support the alternative procurement procedure. The firm, or a representative, can be asked to present Wittwer's relevant experience at the meeting, if the commission wishes.

Wittwer-Parkin appears to have significant local government expertise. Below is a list of Wittwer-Parkin's other government clients from their website:

California Coastal Commission; City of Saratoga, Assistant City Attorney; Coastside Community Water District; County of Sonoma; County of Tulare; Fairbanks Ranch Community Services District; Granada Sanitary District, El Granada, General Counsel; Housing Authority of the County of Santa Cruz, General Counsel; Rancho Santa Fe Community Services District; Santa Clara County Open Space Authority, General Counsel; Spreckels Community Services District; Whispering Palms Community Services District.

My information is that Hanson Bridgett, which provides the District with General Counsel services, does have experience with San Mateo County LAFCo, including Municipal Service Reviews.

As of the date of this report, staff has no information regarding rates or if a not to exceed amount is to be considered. The Commission is welcome to inquire at the meeting.

IGM Recommendation: Policy. The IGM has no objection to hiring additional assistance in our efforts to craft the best response if the Commission so desires.

Staff recommends against designating a new firm as lead counsel on this matter. A plan for response has already been underway, time is short, and we should avoid disruption to preparing a thorough and timely response. Nor will it disrupt our efforts to include a second law firm in our review.

Procurement Findings: (Action to be taken if the Commission acts to hire the additional legal firm) The San Mateo County Harbor Commission finds that it is not in the District's best interest to conduct a competitive procurement for these services because of the short time available for input from Board, Staff, and legal counsel. The commission further finds that Wittwer- Parkin, LLC has special expertise that will be very beneficial to the District in this matter.

Fiscal Impact: Unknown at this time. Additional opinions from another legal firm will increase the cost, but staff lacks adequate information to provide an estimate at this time.



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MEMORANDA

To: Commissioners
From: President Tom Mattusch
Re: District Response to LAFCo Municipal Service Review

Background: The Municipal Service Review continues the finding of “No sphere of influence” which has been the case for decades. This is not a report which initiates dissolution of the District, but it raises the issue. We want to be sure that the District submits a thorough response.

Responses are due to LAFCo by June 26. This is the deadline for the District’s response, there is likely to be no opportunity to provide written input after that date. The June 17 regular meeting will include an Agenda item to enable the Commission to choose whether to authorize the President to work with the General Manager to approve and send the District’s response, or to call a special meeting on June 23 to review and approve the District’s written response before it is sent.

Whichever process is chosen, I am requesting that if Commissioners have comments they wish to be included in the District’s response to LAFCo, such comments be sent to the General Manager by Noon, Monday June 15. The official District response will be created from these comments, input from Staff, legal counsel, and myself. Should the Commission want to hold a special meeting on this topic, a draft will be available for review at that time.

Thank you in advance for your input.

Sincerely,

Tom Mattusch
President
San Mateo County Harbor District

Staff Report

Consider Direction to Staff to regarding providing estimates for space planner services at new offices 504 Alhambra El Granada

Glenn Lazof: Interim General Manager (IGM)

Background: We moved into our new administrative offices over the last weekend of May. During my initial days as IGM, there were many questions regarding the very specific space plan created by the committee tasked with the move. The general response was to try to stick with the plan as much as possible, but to hold off on various structural improvements until we saw how everything fit in the new space. My objectives was to keep the move on track, and avoid making any semi-permanent changes while focusing on other critical tasks which were before me. Additionally, being a little “spatially challenged”, I thought a low cost method of arranging the space would be to see it with our articles placed inside, and live with the results for a short while to gain perspective.

Analysis: The President, who was on the Move Committee, has spent more than a little time in our new office in performance of his duties, especially during the first three days. Staff tasked with the move presented him with various options. Commissioner Mattusch then suggested to me that we look into hiring a space planner. I agreed that professional assistance may be worthwhile.

IGM Recommendation: I’d like to get estimates in accordance or in excess of our procurement policy and report back to the commission, perhaps even by the next regular meeting (June 17).

Fiscal Impact: Cost of Staff time obtaining rates and estimates from vendors, as opposed to cost of taking an evolutionary approach which may or may not have the same quality results.